

**Recommendation for preliminary adoption of amendments to 312 IAC 9-10-7 governing field trial permits, 312 IAC 9-10-16 governing dog training ground permits, and 312 IAC 9-11-1 governing wild animal possession permits; Administrative Cause No. 09-074D**

This recommendation is the result of a DNR Committee Formed to Consider Citizen Petitions regarding the Chasing and Hunting of Coyotes and Foxes with Dogs; Administrative Cause Nos. 09-069D, 09-073D, and 09-074D.

Background

Two petitions were received by the Natural Resources Commission in April of 2009 to prohibit fox and coyote running enclosures during the hunting and trapping seasons, including prohibiting a person to use a dog to hunt, injure, maul, pursue, track, harass, take, or kill coyotes or foxes within a confined area where the purpose is to train and/or run dogs.

The DNR does not currently authorize running enclosures through a special permit or authorization. However, by allowing trappers to live-trap coyotes and foxes during the trapping season and possess them during the remainder of the trapping season without a special permit, this activity is currently legal during the hunting and trapping season for that animal. It is also currently legal to chase coyotes or foxes with dogs inside an enclosure outside the season with a field trial permit from the DNR.

Purpose of Running Enclosures

1. Provides a place for individuals to train dogs, particularly those that are young or inexperienced, to trail coyotes and foxes in an enclosure that has an increased population density of coyotes and foxes (result of stocking).
2. Provides access to private land for pursuing furbearers due to the reduced amount of land available to hunt furbearers.
3. Allows training to be conducted safely in a controlled environment and allows dogs to be retrieved from a chase at any time.
4. Allows for individuals, including the young and elderly, to participate in the chase and observe the furbearers and dogs.
5. Allows judging of individual dogs during a chase during organized competitions (field trials).

Proposed Rule Language

After months of reviewing this issue and a visit to a field trial for coyotes in the one known enclosure in Indiana, the staff of the Department of Natural Resources is proposing changes to the rules governing the field trial permit and dog training ground permit that will address the chasing of coyotes and foxes in an enclosure with dogs.

Amendments are proposed to the field trial permit rule to require field trials for foxes and coyotes on a dog training ground to be in compliance with the requirements for dog training ground permits for foxes and coyotes (see 312 IAC 9-10-7). A person with a dog training ground permit is not exempt from needing a field trial permit under IC 14-22-24 to conduct a field trial on the dog training ground. Additional amendments are proposed to the field trial permit rule to eliminate the requirement for lists of planned field trial events by sanctioning authorities because many of these lists are now available on-line, and permit applications do not need to be received 21 days prior to the date of an event to be processed in time.

The amendments to the dog training ground permit incorporate provisions to allow the chasing of foxes and coyotes on a dog training ground that is fenced to prohibit the fox or coyotes from escaping. These provisions are comparable to requirements in other states for fox and coyote training/coursing pens and include provisions to help provide for the welfare of the coyotes and foxes within the enclosure and for enforcement. The one known enclosure in Indiana consists of approximately 300 acres of natural habitat with lots of natural and artificial escape areas and plenty of food and water for the coyotes. The pen is used to help train dogs to chase coyotes so that they will be ready for hunting coyotes during the season, in addition to the field trial events.

Coyotes and foxes in the wild are chased by dogs when being hunted, and this enclosure provides dog owners with the ability to train their dogs without trespassing and without fear of their dog being hit by a vehicle or shot. Furthermore, all of the field trial events and dog training opportunities allow for escape of the coyotes and there is no intent to torture or kill a coyote.

## TITLE 312 NATURAL RESOURCES COMMISSION

### Proposed Rule LSA Document #10-

#### DIGEST

Amends 312 IAC 9-10-7 governing requirements for field trial permit applications and field trials for coyote and foxes on a dog training ground. Amends 312 IAC 9-10-16 governing dog training ground permits to add requirements for a dog training ground for coyotes and foxes. Amends 312 IAC 9-11-1 governing wild animal possession permits to exempt dog training grounds from this permit requirement. Effective thirty (30) days after filing with the Publisher.

312 IAC 9-10-7  
312 IAC 9-10-16  
312 IAC 9-11-1

#### SECTION 1. 312 IAC 9-10-7 IS AMENDED TO READ AS FOLLOWS:

##### **312 IAC 9-10-7 Field trial permits**

Authority: IC 14-22-2-6; IC 14-22-24

Affected: IC 14-22

Sec. 7. (a) A person may be issued a field trial permit only for a trial listed with the division by a sanctioning national or regional hunting dog association. ~~The list must include the following:~~

- ~~(1) The name of the sponsoring club, group, or individual.~~
- ~~(2) The name and address of the responsible official.~~
- ~~(3) The type and location of the trial.~~
- ~~(4) The location of the trial headquarters.~~
- ~~(5) The dates of the trial.~~

~~The list must be received by the division by February 1 for a trial to be conducted the following March through August and by August 1 for a trial to be conducted the following September through February, except a field trial to be held solely on property owned, leased, or managed by the division.~~

(b) A person must apply for a field trial permit on a completed departmental form received by the division at least ~~twenty-one (21)~~ **ten (10) business** days before the proposed field trial.

(c) The field trial permit and a complete roster of participants in the field trial must be:

- (1) kept at the trial headquarters during the event; and
- (2) presented to a conservation officer upon request.

(d) During a field trial, each participant shall carry a card approved by the responsible official that specifies the following:

- (1) The number of the field trial permit.
- (2) The name and address of the participant.

The card must be presented to a conservation officer upon request.

**(e) A field trial permit will not be issued by the department for a field trial involving coyotes and foxes on a dog training ground unless the dog training ground is permitted under 312 IAC 9-10-16. A field trial conducted on a dog training ground shall be conducted in compliance with all requirements under 312 IAC 9-10-16.** *(Natural Resources Commission; 312 IAC 9-10-7; filed May 12, 1997, 10:00 a.m.: 20 IR 2730; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jul 11, 2006, 9:04 a.m.: 20060802-IR-312060009FRA; errata filed Aug 9, 2006, 12:00 p.m.: 20060906-IR-312060009ACA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA)*

## **SECTION 2. 312 IAC 9-10-16 IS AMENDED TO READ AS FOLLOWS:**

### **312 IAC 9-10-16 Dog training ground permit**

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22-20; IC 14-22-31

Sec. 16. (a) A person may:

- (1) take **and allow the taking of** northern bobwhite quail (*Colinus virginianus*) or ring-necked pheasants (*Phasianus colchicus*) that have been raised in captivity; **or**
  - (2) **chase and allow the chasing of foxes and coyotes in a dog training ground;**
- for the purpose of training dogs only pursuant to a permit issued under this section.

(b) **The following definitions apply to this section:**

- (1) **“Escape area” means a natural or artificially constructed den, shelter, or other protective structure located under, at, or above ground level, which provides protection for a coyote or fox and is not accessible by any dog released into the dog training ground.**
- (2) **“Fox” means a red fox (*Vulpes vulpes*) or gray fox (*Urocyon cinereoargenteus*) originally obtained from the wild and includes all color phases of the red fox.**
- (3) **“Coyote” (*Canis latrans*) means a coyote originally obtained from the wild.**
- (4) **“Northern bobwhite quail” (*Colinus virginianus*) means a northern bobwhite quail that has been raised in captivity and includes all color phases and subspecies of the northern bobwhite quail.**
- (5) **“Ring-necked pheasant” (*Phasianus colchicus*) means a pheasant that has been raised in captivity and includes all color phases and subspecies of the ring-necked pheasant.**

~~(b) (c) An application~~ **A person must apply** for a dog training ground permit ~~must be completed on a department form and filed with the division. A person must demonstrate the applicant:~~

- (1) **is at least eighteen (18) years of age; and**
- (2) **owns or controls the land to be permitted as a dog training ground.**

~~(e)~~ **(d) A dog training ground permit will only be issued under:**

**(1) subsection (a)(1) for a contiguous tract of land of at least five (5) and not more than twenty (20) acres to be used as the dog training ground.**

**(2) subsection (a)(2) for a contiguous tract of land of at least three hundred (300) acres.**

~~(e)~~ **(e) A permit shall not be issued under this section subsection (a)(1) for land located within one (1) mile of a state-owned or state-controlled public hunting area.**

**(f) A permit shall not be issued or renewed under subsection (a)(2) until the training ground is inspected by a conservation officer. If the training ground does not meet the specifications under subsection (k)(1) through (k)(6), the applicant will be advised of the deficiencies and a second inspection will be completed after the applicant has made corrections.**

~~(d)~~ **(g) Only one (1) dog training ground may be licensed by the department on a contiguous tract of land.**

~~(e)~~ **(h) A person issued a permit holder under this section shall mark the entire boundary of the land permitted as a dog training ground with signs:**

- (1) at least sixteen (16) inches wide and sixteen (16) inches long;**
- (2) having a white background;**
- (3) stating "dog training ground" in one (1) inch high lettering; and**
- (4) placed not more than five hundred (500) feet apart.**

~~(f)~~ **(i) A person issued a permit under this section holder under subsection (a)(1) shall:**

**(1) band the northern bobwhite quail or ring-necked pheasants with a standard metal or plastic leg band before release on the dog training ground;**

~~(2)~~ **have in possession a:**

- (A) bill of sale for the game birds released for training; or**
- (B) copy of the person's game breeder license; and**

~~(3)~~ **(2) maintain a daily record of the training activities on the dog training ground that includes the:**

- (A) name and address of each trainer using the ground;**
- (B) number and species of birds released; and**
- (C) number and species of birds taken.**

**(3) allow the taking of**

~~(g)~~ **A person must not take bobwhite quail or ring-necked pheasants under this section except only between sunrise and sunset.**

**(j) A permit holder under subsection (a)(2) shall:**

**(1) Obtain live wild-caught foxes and coyotes from native Indiana stock from a holder of a valid trapping license;**

**(2) Keep an accurate computerized record or record in ink on forms provided by the department of the:**

- (A) Full name and address of each person from whom foxes or coyotes are obtained;
    - (B) Date and number of foxes and coyotes purchased and released into the dog training ground;
    - (C) Date of mortality or discovery of mortality of any fox or coyote;
    - (D) Date and time of each dog training activity and field trial that includes the number of dogs released during each activity or field trial conducted under IC 14-22-24 and 312 IAC 9-10-7;
  - (3) Allow foxes and coyotes to roam freely within the training ground and not house the animals in temporary confinement facilities except for a licensed veterinarian to provide temporary medical care to a diseased or injured coyote or fox.
  - (4) Treat or euthanize foxes or coyotes that appear to be diseased by a method approved by the division of fish and wildlife.
  - (5) Notify the department regarding any unusual mortality or detection of any disease involving any species of wild animal within the dog training ground within twenty-four (24) hours of becoming aware of the mortality or disease.
  - (6) Provide supplemental feed or a complete feed ration to prevent:
    - (A) malnutrition;
    - (B) poor body condition;
    - (C) debility; or
    - (D) stress;when adequate natural food sources are not available to meet the nutritional needs of each fox or coyote on a daily basis.
  - (7) Provide man-made or natural windbreaks, shelters and shades to protect the foxes and coyotes from extreme elements of heat, cold or wind at all times.
  - (8) Provide fresh, clean drinking water through natural or man-made sources on a daily basis.
- (k) A dog training ground permitted under subsection (a)(2) shall comply with the following requirements:
- (1) The perimeter of the dog training ground shall be completely fenced as follows:
    - (A) Fencing shall be of sufficient design, strength, weave and construction to prevent the escape of any coyote or fox possessed;
    - (B) The fence shall be a minimum of six (6) feet in height with twelve (12) inches of fence material bent inward at the top of the fence.
    - (C) The bottom of the fence shall be in contact with the ground and either:
      - (i) a minimum of twelve (12) inches of additional fence material bent inward and buried; or
      - (ii) a single strand electric fence;to prevent foxes and coyotes from escaping from the training ground.
    - (D) The perimeter fence shall be maintained in proper repair.
  - (3) There shall be no interior fences that:
    - (A) divide the training ground into parcels less than three hundred (300) acres; or
    - (B) hinder a fox's or coyote's ability to travel within the training ground.

- (4) A cleared corridor of at least four (4) feet wide shall be maintained on the inside or outside of the perimeter fence to allow for easy access and inspection of the fence by the permit holder and the department.**
- (5) All gates shall remain closed and secured except when authorized individuals, dogs or equipment are traveling through the gate to prevent:**
  - (A) the escape of foxes and coyotes; and**
  - (B) unauthorized access to the training ground.**
- (6) Escape areas shall be provided for the foxes and coyotes as follows:**
  - (A) A minimum of one (1) dog-proof escape area (culvert, brush pile, or other suitable structure) shall be provided for each:**
    - (i) twenty (20) acres within the training ground; or**
    - (ii) captive coyote or fox released into the training ground,****whichever is greater.**
  - (B) Escape areas must not be located immediately adjacent to each other.**
  - (C) Escape areas must be available for use by any foxes and coyotes any time dogs are present in the training ground.**
- (7) Operation shall comply with the following:**
  - (A) Any dog released into the training ground must be vaccinated in accordance with Indiana law.**
  - (B) Any individual releasing dogs in the dog training ground shall have in his possession a valid hunting license issued under IC 14-22-12-1 unless exempt under IC 14-22-11-1.**
  - (C) Foxes and coyotes within the training ground must be allowed eight (8) consecutive hours of rest in a twenty-four (24) hour period.**
  - (D) The training ground must not be used for more than sixteen (16) consecutive hours in a twenty-four (24) hour period for dog training purposes and no more than eight (8) hours a day during a field trial licensed under IC 14-22-24 and 312 IAC 9-10-7.**
  - (E) Prior to being chased, all foxes and coyotes shall be provided a minimum of seven (7) days to acclimate to the training ground.**
  - (F) All foxes and coyotes released into a training ground must be a minimum of seven (7) months of age.**
  - (G) When more than one coyote or fox is released into the dog training ground, all additional animals of the same species that are of a different sex shall be spayed or neutered or otherwise have their reproductive function altered by a licensed veterinarian prior to release into the dog training ground.**
  - (H) Foxes and coyotes within a training ground may be chased with dogs but shall not be chased with the intent to capture or kill.**
  - (I) No more than seven (7) dogs for each coyote or fox or one hundred seventy-five (175) dogs total, whichever is greater, may be placed or allowed to be placed within the training ground at any one time.**
  - (J) No individual or dog may molest, harass, or chase a fox or coyote utilizing an escape area within the training ground.**
  - (K) No more than one (1) coyote or fox per five (5) acres or sixty (60) total may be known to be present or maintained within the dog training ground at any one time.**

~~(h)~~ **(l)** A ~~person issued a permit~~ **holder** under ~~this section~~:

**(1) Subsection (a) (1) shall not:**

**(A)** sell or possess a bobwhite quail or ring-necked pheasant in captivity for more than five (5) days unless the person possesses a valid game breeder license under IC 14-22-20 and section 4 of this rule.

**(B) Subsection (a)(2) shall not:**

**(i) sell;**

**(ii) trade;**

**(iii) barter;**

**(iv) gift;**

**(v) release into the wild; or**

**(vi) intentionally allow the escape into the wild;**

**foxes or coyotes possessed under the authority of this permit.**

**(2) Subsection (a)(2) is exempt from the following requirements for the possessing and chasing of foxes and coyotes within the enclosure under the authority of this permit:**

**(A) The requirements in 312 IAC 9-3-14.5;**

**(B) A wild animal possession permit issued under IC 14-22-26 and 312 IAC 9-11;**

**(C) A game breeder license issued under IC 14-22-20 and 312 IAC 9-10-4;**

**(D) A wild animal rehabilitation permit issued under 312 IAC 9-10-9;**

**(E) A scientific purposes license issued under 312 IAC 9-10-6; and**

**(F) A nuisance wild animal control permit issued under 312 IAC 9-10-11.**

~~(i)~~ **(m)** The dog training ground cannot be used for any of the following:

**(1) A field trial, unless a permit is held under section 7 of this rule.**

**(2) A shooting preserve, unless a license is held under IC 14-22-31.**

**(3) The purpose of possessing or breeding game birds ~~for release~~ unless the person is licensed under IC 14-22-20 and section 4 of this rule.**

**(4) The purpose of breeding foxes or coyotes.**

~~(j)~~ **(n)** A permit issued under this section expires December 31 of the year in which the permit was issued.

~~(k)~~ **(o) Records required under this section shall be retained for at least three (3) years. A conservation officer may enter and inspect the premises and records of the permit holder at all reasonable hours to inspect those premises and any records relative to the permit times. The inspection of premises under subsection (a)(2) may include the removal of a reasonable sample from foxes or coyotes for biological examination.**

**(p) A permit issued under this section may be suspended, denied, or revoked under IC 4-21.5 if the permit holder fails to comply with any of the following:**

**(1) The permit issued under this section.**

**(2) This article or IC 14-22.**

**(3) Another applicable state, local, federal law.**

*(Natural Resources Commission; 312 IAC 9-10-16; filed May 12, 1997, 10:00 a.m.: 20 IR 2736; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Apr 1, 2008, 10:28 a.m.: 20080430-IR-*



*312070735FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA)*

**SECTION 3. 312 IAC 9-11-1 IS AMENDED TO READ AS FOLLOWS:**

**312 IAC 9-11-1 Applicability**

Authority: IC 14-11-4-5; IC 14-11-4-9; IC 14-22-26

Affected: IC 14-11-4; IC 14-22-26-2

Sec. 1. (a) Except as provided in IC 14-22-26-2 or as exempted under subsections (d) and (e), a person must have a permit issued by the department under this rule to possess a wild animal if the wild animal is either of the following:

- (1) Referenced in this rule.
- (2) Listed in this article as an endangered species or a threatened species.

(b) A separate permit is required for each individual wild animal and applies only to the location stated in the permit.

(c) A permit issued under this rule expires one (1) year from the date of issuance. If a timely and sufficient application is made for a permit renewal under section 3 of this rule, however, the permit does not expire until the department has entered a final determination with respect to the renewal application.

(d) A wild animal that is possessed under any of the following licenses is exempted from this rule:

- (1) A game breeder license issued under 312 IAC 9-10-4.
- (2) A scientific collector permit issued under 312 IAC 9-10-6.
- (3) A mammal or bird rehabilitation permit issued under 312 IAC 9-10-9.
- (4) A dog training ground permit issued under 312 IAC 9-10-16.**

(e) This rule does not apply to the lawful taking or possessing of a wild animal as follows:

- (1) During a season established under this article.
- (2) During the first six (6) months from the date of birth, if the animal is the offspring of a wild animal lawfully possessed under this rule.
- (3) The mammal is possessed by a zoo, carnival, animal dealer, pet shop, circus, or nature center licensed under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.
- (4) During the interstate shipment of animals through the state of Indiana.
- (5) As authorized by a permit issued by the U.S. Department of the Interior.
- (6) As authorized by a dog training ground permit issued under 312 IAC 9-10-16.**

(f) A person who possesses a wild animal is responsible for complying with all applicable requirements of this rule, including those which govern permit renewals and permit site relocations.

(g) A person who possesses a wild animal for which a permit is required under this rule, but who does not possess a permit, is subject to the standards, requirements, and sanctions of this rule.

*(Natural Resources Commission; 312 IAC 9-11-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2737; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 554; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)*